THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.21403 of 2005

30.9.2005

Between:

D.Buchi Malla Reddy, S/o.Sri Chandra Reddy, Business,

Tirumalnagar, Karimnagar.

... Petitioner

AND

1. The State Election Commission, rep. By its Secretary,

A.P., Budha Bhavan, Secunderabad

And others

... Respondents

ORDER:

In the Municipal elections held on 24.9.2005 for Karimnagar Municipal Corporation, the petitioner and fifth respondent contested for the office of Member, Division No.31. The petitioner alleges that on 23.9.2005, the Police found the fifth respondent distributing money to the voters and seized a sum of Rs.43,510/-. Therefore, it is contended that the fifth respondent ought not to have been allowed to contest the election. Be that as it is, after the election, on 26.9.2005, the fifth respondent was declared to have elected with 505 votes. In this writ petition, the petitioner seeks a declaration that the action of the respondents 1 to 4 in not taking any action against the fifth respondent disqualifying him for the post is illegal and arbitrary. In the W.P.M.P. No.27412 of 2005 filed along with the writ petition, the petitioner seeks interim order staying the election of fifth respondent.

Heard the learned Counsel for the petitioner, learned Standing Counsel for State Election Commission and learned Standing Counsel for Karimnagar Municipal Corporation. Even according to the petitioner, the elections were completed and the fifth respondent was declared elected. Therefore, the remedy of the petitioner is to approach the jurisdictional Tribunal under the provisions of Rules for Decision of Election Disputes, 1967. If so advised, the petitioner may approach the Election Tribunal, in which event, the Election O.P. filed by the petitioner would be disposed of by the Tribunal within a period of six months from the date of filing of the same.

The writ petition is, accordingly, dismissed. No costs.

September 30, 2005. (**V.V.S.RAO,J**)

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